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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/075,006	02/14/2002	Murali K. Akkapeddi	H0001906 DIV1 (4300)	7951	
128	7590 02/26/2003				
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD			EXAMINER		
P O BOX 22	45		WOODWARD, ANA LUCRECIA		
MORRISTO	WN, NJ 07962-2245		ART UNIT	PAPER NUMBER	
			1711		
		•	DATE MAILED: 02/26/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

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•	Application No.	Applicant(s)		
Office Action Summary	Examiner		Group Art Unit	
~ The MAILING DATE of this communication appears	s on the cover sheet	beneath the co	rrespondence a	ddress—
Period for Reply				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO OF THIS COMMUNICATION.	O EXPIRE Thre	MONTH(S) FROM THE MA	ILING DATE
 Extensions of time may be available under the provisions of 37 CFR from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a real of NO period for reply is specified above, such period shall, by defaulted above, such period shall, by defaulted to reply within the set or extended period for reply will, by stated any reply received by the Office later than three months after the maintern adjustment. See 37 CFR 1.704(b). 	eply within the statutory r It, expire SIX (6) MONTHS tute, cause the application	ninimum of thirty (3 from the mailing dans to become ARAA	0) days will be consi	dered timely, cation.
Responsive to communication(s) filed on	4/02			
☐ This action is FINAL.	/			·
☐ Since this application is in condition for allowance except accordance with the practice under Ex parte Quayle, 1935	for formal matters, p	rosecution as to	the merits is c	losed in
			9	
Disposition of Claims, $1-8$, $11-14$, $19-23$, 34 , 19	,37,38 an	is/are po	/ ending in the app	lication
Of the above claim(s)			ithdrawn from co	
Claim(s) 1-8, 11-17, 19-23, 34,	37,38 and			nsideradori.
□ Claim(s)		•	pjected to.	
☐ Claim(s)			ect to restriction (or olombion
pplication Papers		requiren		or election
☐ The proposed drawing correction, filed on	is 🗆 approved	□ disapprove	d.	
☐ The drawing(s) filed on is/are object				
☐ The specification is objected to by the Examiner.				
☐ The oath or declaration is objected to by the Examiner.				
riority under 35 U.S.C. § 119 (a)–(d)				
☐ Acknowledgement is made of a claim for foreign priority ur	nder 35 U.S.C. & 119 (al-(d)		
☐ All ☐ Some* ☐ None of the:		<u>, ().</u>		
☐ Certified copies of the priority documents have been re	ceived.			
$\hfill \square$ Certified copies of the priority documents have been re-		No		
\square Copies of the certified copies of the priority documents			•	
in this national stage application from the International		2(a))		
*Certified copies not received:				·
tachment(s)				
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s	s)	Interview Summa	ary, PTO-413	
Notice of Reference(s) Cited, PTO-892		Notice of Informa	al Patent Applicat	tion, PTO-152
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948				
Office Act	tion Summary			

Application/Control Number: 10/075,006

Art Unit: 1711

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).
- 2. Claims 1-8, 11-17, 21-23, 34, 37, 38 and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,423,776 (Akkapeddi et al).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Akkapeddi et al disclose oxygen scavenging high barrier polyamide compositions for packaging applications and shaped articles thereof comprising a) a polyamide blend of nylon 6 and nylon 6I/6T (EMS Grivory G21), b) an oxidizable epoxy functional polydiene (poly BD600) and c) a metal salt catalyst. Examples 16 and 17 are particularly noted.

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 20 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 6,423,776 (Akkapeddi et al) described hereinabove.

It is reasonably believed that the polyamide compositions of examples 15 and 16 of the reference inherently meet the conditions set forth in present claim 20 given the similarity in components and amounts thereof.

Claim Rejections - 35 USC § 103

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,423,776 (Akkapeddi et al) described hereinabove.

Although the preferred aliphatic nylon is nylon 6, other aliphatic polyamides such as nylon 6,6 can also be suitably used with the reasonable expectation of success.

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 395,8183.

Ana L. Woodward

Examiner

Art Unit 1711

AW

February 21, 2003